

# USDA Forest Service

## FY 2001 Annual FOIA Report

Sections I. Basic Information, II. How to Make a FOIA Request, and III. Definitions of Terms, will be completed by the Office of Communications.

### IV. Exemption 3 Statutes

#### A. List of Exemption 3 statutes relied on by agency during current fiscal year:

- Archaeological Resources Protection Act of 1979 (16 U.S.C. 470-hh)
  - Location of archeological sites
  - Archaeological site maps
- National Historic Preservation Act of 1966 (16 U.S.C. 470w-3)
  - Location and nature of the historic property
- National Defense Authorization Act of FY 1997 (P.L. 104-201)
  - Negotiated Bid Proposals
- FAR 24.1
  - Unit Price Information
- FAR 15.506
  - Identity of responders to evaluation criteria

1. Brief description of type(s) of information withheld under each statute.
2. Statement of whether a court has upheld the use of each statute. If so cite example.

### V. Initial FOIA/PA Access Requests

**A. Number of Initial Requests:** *(include all access requests, whether first party or third party) (NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)*

- |   |      |
|---|------|
| 1. Number of requests pending at end of FY 00 | 417  |
| 2. Number of requests received during FY 01   | 4627 |
| 3. Number of requests processed during FY 01  | 4608 |
| 4. Number of requests pending at end of FY 01 | 436  |

**B. Disposition of Initial Requests: (NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)**

1. Number of total grants \_\_\_\_\_ 2887 \_\_\_\_\_
2. Number of partial grants \_\_\_\_\_ 835 \_\_\_\_\_
3. Number of denials \_\_\_\_\_ 486 \_\_\_\_\_
  - a. Number of times each FOIA exemption used: (count each exemption once per request)
    - (1) Exemption 1 \_\_\_\_\_ 0 \_\_\_\_\_
    - (2) Exemption 2 \_\_\_\_\_ 8 \_\_\_\_\_
    - (3) Exemption 3 \_\_\_\_\_ 21 \_\_\_\_\_
    - (4) Exemption 4 \_\_\_\_\_ 55 \_\_\_\_\_
    - (5) Exemption 5 \_\_\_\_\_ 81 \_\_\_\_\_
    - (6) Exemption 6 \_\_\_\_\_ 254 \_\_\_\_\_
    - (7) Exemption 7(A) \_\_\_\_\_ 24 \_\_\_\_\_
    - (8) Exemption 7(B) \_\_\_\_\_ 0 \_\_\_\_\_
    - (9) Exemption 7(C) \_\_\_\_\_ 100 \_\_\_\_\_
    - (10) Exemption 7(D) \_\_\_\_\_ 0 \_\_\_\_\_
    - (11) Exemption 7(E) \_\_\_\_\_ 5 \_\_\_\_\_
    - (12) Exemption 7(F) \_\_\_\_\_ 0 \_\_\_\_\_
    - (13) Exemption 8 \_\_\_\_\_ 0 \_\_\_\_\_
    - (14) Exemption 9 \_\_\_\_\_ 0 \_\_\_\_\_
4. Other reasons for nondisclosure: (total) \_\_\_\_\_ 820 \_\_\_\_\_
  - a. No records \_\_\_\_\_ 539 \_\_\_\_\_
  - b. Referred elsewhere (See Note) \_\_\_\_\_ 52 \_\_\_\_\_
  - c. Request withdrawn \_\_\_\_\_ 79 \_\_\_\_\_
  - d. Fee-related reason \_\_\_\_\_ 31 \_\_\_\_\_
  - e. Records not reasonably described \_\_\_\_\_ 9 \_\_\_\_\_
  - f. Not a proper FOIA request for some reason \_\_\_\_\_ 29 \_\_\_\_\_
  - g. Not an agency record \_\_\_\_\_ 12 \_\_\_\_\_
  - h. Duplicate request \_\_\_\_\_ 16 \_\_\_\_\_
  - i. Other (specify) \_\_\_\_\_ 53 \_\_\_\_\_
    - Glomar
    - Non response to clarification letter
    - Unable to contact requester

*(Note: Do not count requests referred within your agency in this category, it pertains only to requests that are referred outside of your agency)*

**VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (includes all access requests, whether first-party or third-party).**

**A. Number of Appeals:**

1. Number of appeals received during FY 01 \_\_\_\_\_ 79 \_\_\_\_\_
2. Number of appeals processed during FY 01 \_\_\_\_\_ 133 \_\_\_\_\_

**B. Disposition of Appeals:**

1. Number completely upheld 31
2. Number partially reversed 28
3. Number completely reversed 30

a. Number of times each FOIA exemption used: *(count each exemption once per appeal)*

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 2
- (4) Exemption 4 3
- (5) Exemption 5 11
- (6) Exemption 6 21
- (7) Exemption 7(A) 1
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 7
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 1
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total): 74
  - a. No records 27
  - b. Referred elsewhere 0
  - c. Request withdrawn 11
  - d. Fee-related reason 0
  - e. Records not reasonably described 0
  - f. Not a proper FOIA request for some reason 5
  - g. Not an agency record 0
  - h. Duplicate request 0
  - i. Other (specify) 31
    - o Glomar
    - o Lawsuit Filed
    - o Region Responded – Appeal Moot
    - o Unable to contact requester

**VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.**

**A. Median Processing Time For Requests:** *(Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)*

1. Simple requests (if multiple tracks used)
  - a. Number of requests processed 2496
  - b. Median number of days to process 15 days

2. Complex requests (specify for any and all tracks used)
  - a. Number of requests processed \_\_\_\_1855\_\_
  - b. Median number of days to process \_\_19 days\_\_
3. Requests accorded expedited processing
  - a. Number of requests processed \_\_11\_\_
  - b. Median number of days to process \_\_6 days\_\_

***(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)***

**B. Status of Pending Requests:** *(Agencies using multiple tracks may provide numbers for each track as well as totals.)*

1. Number of requests pending at end of FY 01 \_\_\_\_370\_\_\_\_
2. Median number of days requests were pending at end of FY 01 \_\_\_\_25 days\_\_

## **VIII. COMPARISONS WITH PREVIOUS YEAR(S) (Optional)**

### **E. Describe Agency Efforts To:**

1. Improve timeliness
  - Regional Office (R5) held leadership team meeting re: FOIA responsibilities, timeframe limitations that has improved the response to FOIA's within the Region.
  - Increased communication between forest coordinators and region coordinator in Region 9 has improved coordination and consistency in responding FOIA's, both region wide and Forest Service wide.
2. Reduce backlog
  - The Washington Office FOIA/PA Office of the Forest Service successfully researched and closed out over 75 cases pending prior to 1999.
3. Provide training:
  - Many Regional Offices of the FS provided training at the District/Forest Levels.
  - The Washington Office FOIA/PA Team analysts regularly attend training sessions presented by the Department of Justice and the American Society of Access Professionals (ASAP), for updated training on FOIA and PA.
  - The Washington Office FOIA/PA team also holds biannual information sharing meetings FOIA and PA with all the Washington Office program staff FOIA Coordinators.
4. Add new categories of records \_\_\_\_\_

## **IX. COSTS/FOIA STAFFING.**

### **A. Staffing Levels:**

1. Number of full-time FOIA personnel \_\_\_\_19\_\_\_\_
2. Number of personnel with part-time or occasional FOIA duties (in work-years) \_\_\_\_47.47\_\_\_\_
3. Total number of personnel (Work-years) \_\_\_\_66.47\_\_\_\_

**B. Total Costs:** *(include staff and all resources) (Note: Use +20% for overhead.)*

1. FOIA processing (including appeals) 5,352,502
2. Litigation-related activities (estimated) 79,538
3. Total costs 5,432,040
4. Comparison with previous year(s) (optional) \_\_\_\_\_

**C. Statement of additional resources needed for FOIA compliance (optional).**

**X. FEES:** *(includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)*

- A. Total amount of fees collected for processing requests 24,296
- B. Percentage of total costs .0044

**XI. FOIA REGULATIONS:** *(including Fee Schedule):* \_\_\_\_\_